

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF NEW YORK

HAROLD J. SHELL,

Plaintiff,

ORDER

00-CV-6152L

v.

CORRECTION OFFICER NICHOLAS BRZEZNIAK,
et al.,

Defendants.


Plaintiff, Harold Shell ("Shell"), who is proceeding *pro se*, commenced this action when he was incarcerated in a New York State Correctional Facility. Shell was released from custody and listed at an address on Parker Avenue in Poughkeepsie, New York, as well as a residence telephone number and work telephone number.

This Court scheduled a status conference with Shell and defense counsel for May 31, 2013. Shell did not appear and, therefore, the Court sent a notice by mail to the address listed on the docket sheet scheduling the matter for June 26, 2013. The letter was sent by certified mail and regular mail, but the letter was returned as "unable to forward." Court staff also attempted to contact Shell by calling the telephone numbers and, although someone answered the phone, they reported that defendant did not live or work at the number provided.

Plaintiff has failed to keep the Court apprised of his current address which is a requirement under our Local Rules. Therefore, it appears that plaintiff has abandoned the action or, at least, failed to comply with the Rules of Court and has failed to appear for a scheduling conference to arrange for further proceedings and a trial in the action. As such, the Court hereby dismisses the action for failure to prosecute. *See Hidalgo v. Gilbert*, No. 10-CV-6522, 2012 WL 473462

(W.D.N.Y. Feb. 13, 2012); *Earley v. Murray*, No. 03-CV-6338, 2008 WL 123939 (W.D.N.Y. Jan. 10, 2008).

IT IS SO ORDERED.


A handwritten signature in dark ink, appearing to read "David G. Larimer", is written over a horizontal line. Below the line, the name "DAVID G. LARIMER" is printed in a serif font, followed by "United States District Judge" in a smaller serif font.

DAVID G. LARIMER
United States District Judge

Dated: Rochester, New York
June 28, 2013.